

FILED

OCT 01 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOUMAN BACKZADEH
MOGHADDAM, aka Houman
Moghaddam, Kevin Moda,

Defendant - Appellant.

No. 06-50515

D.C. No. CR-00-00162-AHS-1

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Houman Backzadeh Moghaddam appeals from the district court's order,
issued following this court's remand pursuant to *United States v. Ameline*, 409

* This disposition is not appropriate for publication and is not
precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

F.3d 1073 (9th Cir. 2005) (en banc), that denied his request for resentencing on grounds of mootness. We have jurisdiction under 28 U.S.C. § 1291.

Moghaddam now challenges the restitution order. We affirm the district court's order. It is clear from the record that the advisory nature of the Guidelines could not have materially affected the restitution order, because the district court relied on statutory authority independent of the Guidelines to impose it. *See* 18 U.S.C. §§ 2327(a); 3663A(a)(1), (c)(1)(A)(ii), (c)(1)(B). Moreover, in Moghaddam's prior appeal, we found no error with respect to the restitution order.

AFFIRMED.